IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 680 of 2005

CRIMINAL SIDE

Jag Mohan Sharma S/o Sri Sita Ram
R/o Mohalla Dat Mandi Jwalapur
P.S. Jwalapur
District Haridwar .....Applicant

Versus

1. District and Sessions Judge, Haridwar
2. Judicial Magistrate, Haridwar
3. Tilak Vashistha S/o Sri P.C. Vashistha
   R/o Q-68 Shivalik Nagar
   P.S. Ranipur Haridwar ... Opposite Parties

Hon'ble B.C. Kandpal, J.

This petition has been filed under Section 482 Cr.P.C. for quashing the judgment and order dated 30.07.2004 passed by C.J.M., Haridwar as well as judgment and order dated 06.06.2005 passed by Sessions Judge, Haridwar in Revision No. 328 of 2004.

Brief facts giving rise to this petition are that a report was lodged by respondent No. 3 i.e. Tilak Vashistha against the petitioner under Section 506 I.P.C. and the police in that case submitted the Final Report after the proper investigation.

The petitioner preferred the protest petition against the Final Report and thereafter learned C.J.M. after hearing learned counsel for the parties and having perused the entire record was pleased to allow the Final Report vide judgment and order dated 30.07.2004.

Feeling aggrieved by the aforesaid order the petitioner preferred the revision and the revision was also dismissed by the learned Sessions Judge vide judgment and order dated 06.06.2005.

The petitioner has thereafter preferred this petition under Section 482 Cr.P.C. for quashing the aforesaid impugned orders.

Heard learned counsel for the parties and perused the record.

Learned C.J.M., Haridwar has given a categorical findings stating therein that the Final Report submitted by the Investigating Officer appears to be justified. Learned C.J.M. also created a doubt about the incident at the alleged time.

The revisional court has also discussed the entire evidence and thereafter has come to the conclusion that the incident itself becomes doubtful.

I do not find any flagrant injustice in this case. Both the courts below have recorded the concurrent findings of fact and there is no justification for me to interfere in the same.

I do not find any abuse of process of court. The petition lacks merits and is liable to be dismissed.

Accordingly the petition is dismissed in limine.

(B.C. Kandpal, J.)

08.10.2005
ASWAL